

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Abdul Majid CHAUDHRY
(A46 972 552)

Plaintiff,

v.

Michael CHERTOFF in his official capacity)
as Secretary of the United States)
Department of Homeland Security,)

Alberto GONZALES in his official capacity)
as Attorney General of the United States,)

Dr. Emilio GONZALEZ in his official)
capacity as Director of the United States)
Department of Homeland Security,)
U.S. Citizenship & Immigration Service,)

Donald MONICA in his official capacity)
as Director of the U.S. Department of)
Homeland Security, U.S. Citizenship &)
Immigration Service, Philadelphia)
District Office,)

Robert S. MUELLER III in his official)
Capacity as Director of the Federal)
Bureau of Investigations, and)

THE UNITED STATES OF AMERICA,)

Defendants.

Civil Action

Case No. 07 - 120

FILED
U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 FEB 27 PM 2:02

PLAINTIFF'S ORIGINAL PETITION FOR HEARING ON NATURALIZATION
APPLICATION AND COMPLAINT FOR WRIT IN THE NATURE OF
MANDAMUS

Comes now Mr. Abdul Majid Chaudhry, Plaintiff in the above-styled and
numbered case and for cause of action would show unto the Court the following:

1. The Plaintiff petitions the Federal District Court for a hearing on his naturalization application which has been pending longer than 120 days since examination, under 8 U.S.C. §1447(b). In the alternative, the Plaintiff brings action against the Defendants to compel action on his application for naturalization, in the form of a Writ of Mandamus by this Court. The application was filed and remains within the jurisdiction of the Defendants, who have improperly withheld action on said application to Plaintiff's detriment.
2. The plaintiff has been a Lawful Permanent Resident of the United States for more than the statutorily required time periods, and has had a Naturalization Application pending with the U.S. Department of Homeland Security for more than 120 days past his interview. Mr. Abdul Majid Chaudhry filed his N-400 on April 19, 2004 and was interviewed on October 29, 2004; To date, the Defendants have refused to make a decision on Mr. Chaudhry's N-400 application, to the Plaintiff's detriment. The USCIS has stated to the Plaintiff that they cannot adjudicate the case because they are awaiting the results of background checks that are performed by outside agencies. However, Plaintiff timely submitted fingerprints to the Defendants, and there is no legitimate explanation for the Defendants' more than two year delay in processing the Plaintiff's fingerprint and background checks and administering his naturalization oath.
3. Mr. Chaudhry's spouse Mahmoodan Begum and his daughter Amber filed their N-400s on the same date as Mr. Chaudhry and both women were naturalized on December 21, 2004. Mr. Chaudhry's youngest daughter Saharish Chaudhry, a minor at the time, became a citizen through her mother, Mahmoodan Begum on December 21, 2004.

JURISDICTION

4. This is a civil action brought pursuant to 8 U.S.C. §1447(b), 28 U.S.C. §§1331 & 1361 ("the Mandamus Act"), 5 U.S.C. §551 *et seq.* and §701 *et seq.* (the Administrative Procedures Act, "APA"), and 28 U.S.C. §2201 *et seq.* (authorizing a declaratory judgment). Relief is requested pursuant to said statutes.
5. 8 U.S.C. §1447(b) specifically grants the Federal District Court jurisdiction over Naturalization applications that remain pending 120 days or longer past the interview date. "If there is a failure to make a determination under section 1446 of this title before the end of the 120-day period after the date on which the examination is conducted under such section, the applicant may apply to the United States district court for the district in which the applicant resides for a hearing on the matter. Such court has jurisdiction over the matter and may either determine the matter or remand the matter, with appropriate instructions, to the Service to determine the matter."

6. Relief is requested pursuant to the above statutes. Costs and attorneys fees will be sought pursuant to the Equal Access to Justice Act, 5 U.S.C. §504, and 28 U.S.C. §2412(d), et seq.

PARTIES

7. Plaintiff Mr. Abdul Majid Chaudhry is a citizen of Pakistan and a U.S. Lawful Permanent Resident since July 12, 1999, respectively. He has owned Lasani's Grocery, located on 18 Marrows Road in Newark Delaware since March of 2003. He resides with his United States Citizen wife, Mrs. Mahmoodan Begum at their home on 722 Millcreek Lane, Bear, DE 19701. Mr. Chaudhry's youngest daughter, Saharish Chaudhry, is a first year student at the University of Delaware in Newark, Delaware. His older daughter Amber Batool is a student at Boston University seeking a career in Medicine.
8. Defendant Michael Chertoff is Secretary of the U.S. Department of Homeland Security ("DHS"), and this action is brought against him in his official capacity. The U.S. Citizenship & Immigration Service ("USCIS") is an agency of DHS. His agency is generally charged by law with the obligation of adjudicating applications for naturalization such as that filed by Plaintiff. He is generally charged with enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of the USCIS. 8 U.S.C. §1103(a). The USCIS is an agency within the Department of Homeland Security to whom the Secretary's authority has in part been delegated, and is subject to the Secretary's supervision.
9. Defendant Alberto Gonzales is Attorney General of the United States, and this action is brought against him in his official capacity. The Attorney General is generally charged with overseeing the U.S. Department of Justice, who performs the background checks at issue in this litigation. The attorney General has the authority to naturalize persons as citizens of the United States. 8 U.S.C. §1421(a). The Attorney General is also ultimately responsible for the Federal Bureau of Investigations ("FBI"), a subdivision of the Department of Justice. The Attorney General and the U.S. Department of Just have an affirmative duty to complete the necessary fingerprint and background checks in a timely manner.
10. Defendant Dr. Emilio Gonzales is the Director of the U.S. Citizenship & Immigration Services, and this action is brought against him in his official capacity. Dr. Gonzales is generally charged with supervisory authority over all operations within the USCIS with certain specific exceptions not relevant here. 8 C.F.R. §103.1(g)(2)(ii)(B). As will be shown, Defendant Director is the official with whom Plaintiffs' application for Naturalization was properly filed.

11. Defendant Donald Monica, is the District Director of the USCIS District Office in Philadelphia, located at 1600 Callowhill Street., Philadelphia, Pennsylvania, which processed the Plaintiff's Application for Naturalization and where he was interviewed. Mr. Monica is generally charged with supervisory authority over all operations of the USCIS within his District with certain exceptions not relevant here. 8 C.F.R. §103.1(g)(2)(ii)(B). He has an affirmative duty to administer the immigration laws in a timely manner. Mr. Monica is being sued here in his official capacity.
12. Defendant Robert S. Mueller III is the Director of the Federal Bureau of Investigation ("FBI"). The FBI is an agency within the United States Department of Justice whose mission is to enforce criminal laws and defend the United States against terrorist and foreign intelligence threats. Upon the request of USCIS, the FBI performs "name checks" and other background checks of all applicants for naturalization. Director Mueller is being sued here in his official capacity.
13. Defendant the United States of America is responsible for the agencies, named and un-named, who process the fingerprint and background checks necessary for the timely processing of the Plaintiffs' Applications for Naturalization.

VENUE

14. Venue is proper in the District of Delaware pursuant to 28 U.S.C. §1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where the plaintiff resides and no real property is involved in the action. Plaintiff, Mr. Abdul Majid Chaudhry resides in the District of Delaware.

EXHAUSTION OF REMEDIES

15. Plaintiff has no administrative remedies. Plaintiff is not required under 8 U.S.C. §1447(b) to exhaust any administrative remedies. Plaintiff has made numerous inquiries concerning the status of the application to no avail. There exists no formal process for having the naturalization application adjudicated when pending security checks. Plaintiff have has to ascertain the nature of the delays in his case, and have been informed that the security checks are still pending. There is no method by which Plaintiff can seek a remedy of this situation, save for filing suit for action under 8 U.S.C. §1447(b) or a Writ of Mandamus from this Court.

CAUSE OF ACTION

16. Plaintiff Mr. Abdul Majid Chaudhry has been a U.S. Lawful Permanent Resident since July 12, 1999. Exh. A. He submitted his N-400 Application for Naturalization to the U.S. Citizenship & Immigration Service on or about April

19, 2004. On October 29, 2004, Mr. Chaudhry attended his interview for his N-400 application in Philadelphia, Pennsylvania. He was interviewed by Officer D. Long. At the conclusion of the interview, the interviewing officer noted that Mr. Chaudhry passed the tests, and stated that because Mr. Chaudhry had requested to change his name on his N-400 to Chaudhry Abdul Majid, his application would be approved within two to three months.”

17. After nine months passed, Mr. Chaudhry wrote a letter to USCIS regarding the status of his application because it had still not been approved. He did not receive a response. On November 14, 2005 he went to the Dover, Delaware USCIS field office to check on the status of his case but was told background checks were pending. On November 17, 2005 he wrote another letter to USCIS to no avail. During this time period Mr. Chaudhry made a number of calls to the USCIS Customer Service Number but was told his application was pending. Mr. Chaudhry also contacted Senator Joseph Biden’s office in Wilmington, Delaware to ask for assistance regarding his case. He spoke to the immigration constituent at the office and she told him that background checks were pending on his application. She told him to call back in ninety days which he did and she again told him background checks were still pending. In December of 2006, Mr. Chaudhry’s sent a status request through an attorney to the Naturalization Unit at the Philadelphia USCIS office and later received a notice dated December 19, 2006 stating that the case is pending final background checks.
18. Now, more than two years after Mr. Chaudhry’s interview, Defendants have still not processed the Plaintiff’s background checks, fingerprints, and Application for Naturalization.
19. Plaintiff asserts that the Defendant has no legal basis for failing to proceed with the case. Defendants’ refusal to act in this case is, as a matter of law, arbitrary and not in accordance with the law. Defendants willfully, and unreasonably, have delayed in, and have refused to, adjudicate Plaintiff’s application for more than 2 years and more than 3 months, respectively, since his interview, thereby violating 8 U.S.C. §1447(b) and depriving him of the right to a decision on his status and the peace of mind to which Plaintiff is entitled.
20. Plaintiff has been greatly damaged and will suffer irreparable harm through the Defendants’ protracted and unconscionable delay in adjudicating the Plaintiff’s N-400 applications and background/fingerprint checks in accordance with their duties under law. Plaintiff has been deprived of the substantial and unique benefits of U.S. citizenship, including enhanced protection of the laws of the United States, the right to enter and remain in the United States, and freedom of movement and travel, the right to vote, and, most importantly, the right to petition for parents as “immediate relatives” for which an immigrant visa is immediately available pursuant to INA § 204(a)(1)(A)(ii), 8 U.S.C. §1154(a)(1)(A)(ii).

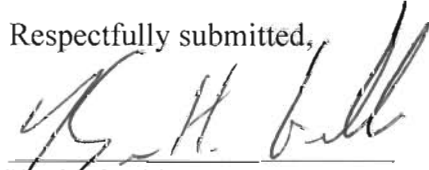
22. Plaintiff has made numerous status inquiries in an attempt to secure adjudication of his application, all to no avail. Accordingly, Plaintiff has been forced to retain the services of an attorney to pursue the instant action.

PRAYER

23. WHEREFORE, in view of the arguments and authority noted herein, Plaintiff respectfully prays that the Defendants be cited to appear herein and that, upon due consideration, this Honorable Court enter an order granting a hearing at which Plaintiff can have the Oath of Allegiance administered and or entered naturalizing them as United States Citizens.
24. In the alternative, Plaintiff respectfully pray this Honorable Court issue a Writ of Mandamus requiring Defendants to perform their duty to schedule the administration of the Oath of Allegiance by to order the Defendants to take all appropriate action to execute and process Plaintiff's N-400 Application for Naturalization and order the District Director of the USCIS Philadelphia District Office to immediately issue all appropriate documents to administer the oath of naturalization to grant plaintiff U.S. citizenship.
25. Plaintiff also respectfully prays that this Honorable Court will grant such other relief as may be proper under the circumstances, and grant attorneys fees and costs of court.
26. Plaintiffs further respectfully prays that if the USCIS' decision is adverse to him, that the decision include justification and explanation to preclude the sense of retaliation for having brought this lawsuit or for having exposed the District Director's inefficiency to the senior officers of the district, region and central offices of the USCIS and DHS.

2/23/07
Date

Respectfully submitted,


Kevin Grubb, Esq.
DE Bar ID 4409

Hogan & Vandenberg, LLC
4 E. 8th Street, Suite 302
Wilmington, DE 19801
PH 302-225-2734

Counsel for Plaintiff

LIST OF ATTACHMENTS

- Exhibit A: Copy of Mr. Chaudhry's USCIS N-400 Receipt Notice
- Exhibit B: Copy of Mr. Chaudhry's N-400 Interview Results
- Exhibit C: Copy of Mr. Chaudhry's Letter to USCIS dated July 25, 2005
- Exhibit D: Copy of Mr. Chaudhry's Letter to USCIS dated November 17, 2005
- Exhibit E: Copy of Letter sent to USCIS by Nina Qureshi-Iqbal, Esq. dated December 15, 2006.
- Exhibit F: Response by USCIS to December 2006 Letter
- Exhibit G: Copy of Naturalization Certificate of Mahmoodan Begum
- Exhibit H: Copy of Naturalization Certificate of Amber Batool

EXHIBIT A

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action



Receipt			NOTICE DATE May 26, 2004
CASE TYPE N400 Application For Naturalization			INS # A 046 972 552
APPLICATION NUMBER ESC#001226564	RECEIVED DATE April 24, 2004	PRIORITY DATE April 24, 2004	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS
ABDUL MAJID CHAUDHARY
c/o LAZANIS
18 MARROWS RD
NEWARK DE 19713

PAYMENT INFORMATION:

Single Application Fee: \$310.00
Total Amount Received: \$310.00
Total Balance Due: \$0.00

The above application has been received by our office and is in process. Our records indicate your personal information is as follows:

Date of Birth: October 15, 1957
Address Where You Live: 139 CHESTNUT X-ING DR APT A
NEWARK DE 19713

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 365 days of this notice.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1233.

If you have access to the Internet, you can also visit INS at www.ins.nice.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address:
US IMMIGRATION AND NATURALIZATION SERVICE
75 LOWER WELDEN STREET
ST ALBANS VT 05479-

INS Customer Service Number:
(800) 375-5283

APPLICANT COPY



EXHIBIT B

5/3/05

U.S. Department of Justice
Immigration and Naturalization Service

Naturalization Interview Results

A#: A 46 972 552

On OCT 29 2004, you were interviewed by INS officer D. Long.

- ☒ You passed the tests of English and U.S. history and government.
- ☐ You passed the test of U.S. history and government and the English language requirement was waived.
- ☐ The Service has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to _____ speak / _____ read / _____ write English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☒ Please follow the instructions on the Form N-14.
- ☒ INS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your _____ English ability / _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this N-400. INS will send you a written decision about your application.

A) _____ **Congratulations! Your application has been recommended for approval.** At this time, it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) ☒ **A decision cannot yet be made about your application.**

It is very important that you:

- ✓ Notify INS if you change your address.
- ✓ Come to any scheduled interview.
- ✓ Submit all requested documents.
- ✓ Send any questions about this application in writing to the officer named above. Include your full name, A-number, and a copy of this paper.
- ✓ Go to any oath ceremony that you are scheduled to attend.
- ✓ Notify INS as soon as possible in writing if you cannot come to any scheduled interview or oath ceremony. Include a copy of this paper and a copy of the scheduling notice.

EXHIBIT C

From: Abdul Majid Chaudhary
C/O LASANIS
18 Marrows RD
Newark, DE 19713

Date. July 25, 2005

To: US Immigration and Naturalization Services
75 Lower Welden Street
ST Albans, VT 05479

Re: Application# ESC 001226564
INS# 046 972 552

On Oct. 29, 2004 an interview for naturalization was conducted by INS Officer D.Long but no decision was made at that time due to my name change request. I had requested that my name may be changed to read " CHAUDHARY ABDUL MAJID".

It is now almost 9 months I have not received any correspondence from INS since the above referenced interview. I would greatly appreciate it if you let me know the status of my Naturalization Application.

Sincerely,

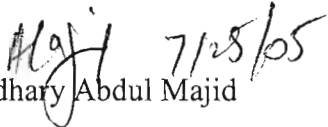

Chaudhary Abdul Majid

EXHIBIT D

Date: November 17, 2005

From: Abdul Majid Chaudhary
722 Millcreek Lane, Bear, DE 19701

To: Dept. of Homeland Security
Philadelphia USCIS
1600 Callowhill Street
Philadelphia, PA 19130

Attn: NATURALIZATION UNIT

Re: Application# ESC 001226564
INS# 046 972 552

On October 29, 2004 I was interviewed for Naturalization but my case was put in pending because I had requested to have my name changed to **Chaudhary Abdul Majid**. At that time I was told that it would take a couple of months to have my name changed and then I will be naturalized.

It is now over a year and it appears no action has been taken even though I have sent letters and made various phone calls to US Immigration and Naturalization Service at 1-800-375-5283. I would greatly appreciate it if my name is changed as stated above and expedite my case for Naturalization.

On November 14, 2005 I went to see an Immigration officer at Dover, DE who has changed my address which is listed below, and also informed me to get new finger prints as well. Therefore, please arrange to have my new prints taken.

Please note that my home address has changed since then and my new address is:

722 Millcreek Lane
Bear, DE 19701

Thank you, for your cooperation.

Sincerely,

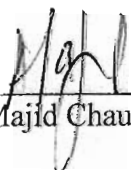

Abdul Majid Chaudhary

EXHIBIT E

Hogan & Vandenberg LLC.

An Immigration Law Firm



4 East 8th Street, Suite 302 Wilmington, Delaware 19801

Telephone: 1-888-338-6311 or 302-345-9383

www.hvimmigrationlaw.com

Fax: 302-655-5358

USCIS
Naturalization Unit, 2nd Fl.
Attn: Stacey Banks
1600 Callowhill St.
Philadelphia, PA 19130

RE: Abdul Majid Chaudhry A46 972 552
Status Request

December 15, 2006

Dear Ms. Banks;

Our firm currently represents Mr. Chaudhry in all immigration matters. We are requesting information regarding the status of Mr. Chaudhry's naturalization application. He would like to be scheduled for his oath ceremony. He has tried to contact USCIS on a number of occasions but he has not received a response as of yet.

Mr. Chaudhry filed the N-400 on May 26, 2004. He had his interview in conjunction with the N-400 on October 29, 2004 and he passed the exam. He was told at the interview, however, that a decision could not be made regarding his application at that time.

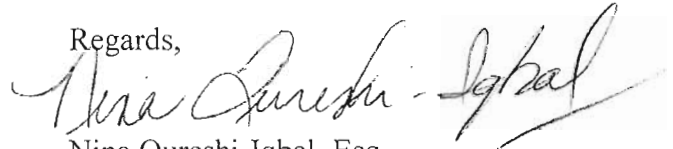
He changed his address in September of 2005 and notified USCIS. In the meantime, his wife and two daughters were naturalized. He is the only person remaining in his family who has not heard anything regarding his application.

On Mr. Chaudhry's N-400 application in the section that allows you to change your name he did request to change his name to Chaudhry Abdul Majid. He is concerned that maybe this is causing the delay in the scheduling of his oath ceremony.

At your earliest convenience please let us know when Mr. Chaudhry will be scheduled for his oath ceremony and if there is anything that we can do to expedite processing of this case.

If you have any questions or require additional information please feel free to contact our office. We have enclosed a G-28 on behalf of Mr. Chaudhry.

Regards,



Nina Qureshi-Iqbal, Esq.

EXHIBIT F



U.S. Citizenship
and Immigration
Services

USCIS
Philadelphia District Office
1600 Callowhill St
Philadelphia PA 19130

Name: Dina Queshi-Igbal Esq.
4 East 8th St. Ste 302
Wilmington, DE. 19801

Date: 12-19-06

RE: A #: 046972552

RE: Abdul M. Chaudhry

- ☐ Your case is pending and you will receive written notification of further activity as your case progresses through the naturalization process.
- ☐ Your case will be completed in the chronological order of cases similar to yours. You will be notified by mail, of any action taken on your case.
- ☐ Your request for emergent processing is granted. You will be advised of the decision or the date of your interview within ten days from the date of this letter.
- ☐ At your request, your new address has been updated, and your file has been forwarded to the USCIS office at _____. Please direct any future inquiries or correspondence to that office.
- ☐ We have requested your file from the USCIS _____. Most file transfers are completed within 90 days. Written notification will be sent to you after your file arrives at this office.
- ☐ Your request for another interview ceremony date is granted. You will be notified by mail as soon as the scheduling takes place.
- ☐ It has been determined that you need to be scheduled for fingerprinting or further interview. You will receive written notification within 60 days from the date of this letter.
- ☒ Your case is pending final background checks, which are processed outside of this office. These final checks can delay your case for an undetermined amount of time. Written notification will be sent to you within 30 days after all processing is complete.
- ☐ Other _____

We are committed to significantly improving customer service by eliminating the backlogs of all our pending cases and decreasing the processing times. Thank you for your patience.

Sincerely,

Donald J. Monica
District Director

EXHIBIT G

UNITED STATES OF AMERICA

DEPARTMENT OF



HOMELAND SECURITY

No. 28697056

Personal description of holder
as of date of naturalization:

Date of birth MAY 26, 1960

Sex: FEMALE

Height: 5 feet 3 inches

Marital status: MARRIED

Country of former nationality:

PAKISTAN



Mahmoodan Begum

ES Registration No. A046972551

I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.

Mahmoodan Begum

(Complete and add signature of holder)

As it known that, pursuant to an application filed with the Secretary of Homeland Security

at: PHILADELPHIA, PENNSYLVANIA

The Secretary having found that:

MAHMOODAN BEGUM

then residing in the United States, intends to reside in the United States when so required by the Naturalization Laws of the United States, and had in all other respects complied with the applicable provisions of such naturalization laws and was entitled to be admitted to citizenship, such person having taken the oath of allegiance in a ceremony conducted by the

US DISTRICT COURT OF DELAWARE

at: WILMINGTON, DELAWARE

on: DECEMBER 21, 2004

that such person is admitted as a citizen of the United States of America.

IT IS PUNISHABLE BY U. S. LAW TO COPY,
PRINT OR PHOTOGRAPH THIS CERTIFICATE,
WITHOUT LAWFUL AUTHORITY.

Director, U.S. Citizenship and Immigration Services

EXHIBIT H

No. 28697055



NATURALIZATION

DEPARTMENT OF HOMELAND SECURITY

Personal description of holder
as of date of naturalization:

CIS Registration No. A046972550

I certify that the description given is true, and that the photograph affixed
hereto is a likeness of me.

Date of birth: OCTOBER 04, 1984

Sex: FEMALE

Height: 5 feet 4 inches

Marital status: SINGLE

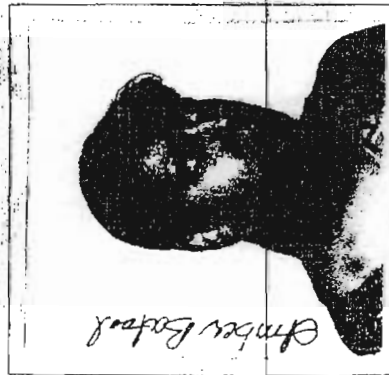
Country of former nationality:

PAKISTAN

at PHILADELPHIA, PENNSYLVANIA

The Secretary having found that:

AMBER BATOOL



then residing in the United States, intends to reside in the United States when so
required by the Naturalization Laws of the United States, and had in all other
respects complied with the applicable provisions of such naturalization laws and
was entitled to be admitted to citizenship, such person having taken the oath of
allegiance and renunciation administered by the

US DISTRICT COURT OF DELAWARE

at WILMINGTON, DELAWARE

on DECEMBER 21, 2004

that such person is admitted as a citizen of the United States of America.

IT IS PUNISHABLE BY U. S. LAW TO COPY,
PRINT OR PHOTOGRAPH THIS CERTIFICATE.
WITHOUT LAWFUL AUTHORITY.

Amber Batool
Director, Naturalization Service

DEPARTMENT OF HOMELAND SECURITY

07-120

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Abdul Majid Chaudhry

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

New Castle, De

DEFENDANTS

Michael Cherhoff, DHS, Alberto Gonzalez, US Attorney General, Emilio Gonzalez, USCIS, Donald Morin, USCIS Phila, + Robert Mueller, FBI

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

USA

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

N/A

(c) Attorney's (Firm Name, Address, and Telephone Number)

Kevin Grubb, Hogan + Vandenberg LLC
4 E. 8th St., Suite 302 Wilmington De 19801

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ PTF 1 ☐ DEF 1
- Citizen of Another State ☐ 2 ☒ 2
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3
- Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
- Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

8 USC 1447(b), 28 USC 1331 + 1332, 28 USC 551 + 701, 28 USC 2201

Brief description of cause:

Mandamus Petition for Hearing on Naturalization Application

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

141577

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Hogan, Vandenberg (SI all)

MAS

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

07 - 120

Civil Action No. _____

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 6 COPIES OF AO FORM 85.

2/27/07

(Date forms issued)

Nina Qureshi-Iqbal
(Signature of Party or their Representative)

Nina Qureshi-Iqbal
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action